THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No. 13933 OF 1996

Date: 12.12.2006

Between:

Uppu Chinakondaiah and others.

... Petitioners

and

The State of A.P., rep., by its Prl. Secretary, Urban Land Ceilings, Secretariat, Hyderabad and others.

....Respondents.

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No. 13933 OF 1996

ORDER:

None appears for the respondent.

Sri N. Krishna Murthy, learned Counsel for the petitioner, would point out that the land in question was exempted from the provisions of the Urban Land Ceiling Act only on the specific ground that the 6th respondent would utilise the said land for allotment of plots to weaker sections. Learned Counsel would point out that, while the 6th respondent had cast aspersions on the petitioners herein and had sought to present a picture as if they were set up by one Sri Mahmood Kamal, the fact remained that the averments, in the affidavit filed in support of the writ petition, that the 6th respondent had converted this surplus land into plots and had sold it away to 3rd parties who had, in turn, constructed palatial buildings, has not been denied in the counter-affidavit filed by the sixth respondent. Learned Counsel would submit that, since the very purpose of granting exemption was for allotment of plots to weaker sections and since it is not in dispute that the surplus land has not been allotted to persons belonging to the weaker sections, the very purpose of granting exemption has not been achieved. Learned Counsel would contend that, the order of exemption granted earlier could be withdrawn, since the sales

effected by the 6th respondent, were in violation of condition No. 14 of the order of exemption. To a specific query from this Court, as to whether persons who had purchased the property should not be heard before any order is passed by this Court, learned counsel would submit that, since the very sale is contrary to the specific condition imposed in the order of exemption, the sale transaction is a nullity and is required to be set aside. Learned Counsel would submit that, in any event, the Government while taking action against the 6th respondent would provide an opportunity of hearing, to those who had purchased these extents of land, which would be sufficient compliance with the principles of natural justice.

No Counter-affidavit is filed on behalf of the official respondents herein.

The 6th respondent, has not denied the specific allegation in the affidavit filed in support of the writ petition 1). that exemption was granted on the specific condition that the surplus land must be utilized for providing plots to the weaker sections of society; and 2) that he had sold the lands for a high consideration to third parties who had built palatial buildings thereon and has not utilized it for the purpose of providing plots to the weaker sections. These averments, in the affidavit filed in support of the writ petition, stand un-rebutted.

The 1st respondent is, therefore, directed to examine the representation of the petitioners herein with regards grant of exemption to the 6th respondent and as to whether the sales effected by him are in violation of condition No.14 of the order of exemption dated 10.01.1984 and, if so, take necessary action against the 6th respondent in accordance with law. It is made

clear that, before any action is taken by the 1st respondent, the persons who have purchase these plots from the 6th respondent shall be given an opportunity of being heard. The entire exercise in this regard shall be completed by the 1st respondent, as expeditiously as possible, in any event not later than six months from the date of receipt of a copy of this order.

Sri N. Krishna Murthy, learned Counsel for the petitioner, expresses his apprehensions that the petitioner would not be heard and that the 1st respondent may pass orders in favour of the 6th respondent behind his back. There is no reason to doubt that the 1st respondent, while examining the representations submitted by the petitioners herein, would also consider whether it is necessary to grant the petitioners herein an opportunity of being heard.

The writ petition is disposed of accordingly. No costs.

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Date: 12.12.2006 RAMESH RANGANATHAN, J

MRKR